BILL NO. Z-87-01-23

ZONING MAP ORDINANCE NO. Z-Last.

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> The North 150 feet of Lot Numbered 168 in Delta Heights Addition to the City of Fort Wayne, Indiana, together with a part of the West One-Half of the West One-Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, more particularly described as follows:
>
> Beginning at the Northeast corner of Lot 168 in Delta Heights Addition to the City of Fort Wayne, Indiana; thence West along the South line of vacated Vermont Avenue 99 feet; thence South and parallel with the East line of Lot 168 in Delta Heights Addition, 150 feet; thence West and parallel with the South line of vacated Vermont Avenue, 99 feet to a point on the East line of said Lot 168; thence North along the East line of said Lot 168, a distance of 150 feet to the place of beginning. Also the South 25 feet of vacated Vermont Avenue adjoining the above described parcel on the North,

and the symbols of the City of Fort Wayne Zoning Map No. S-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury seconded by Eisbart, and duly adopted, read the second ti by title and referred to the Committee Regulations (and the C Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wa Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____.M.,

DATE: 1-27-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury seconded by Eisbart, and duly adopted, placed on it passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	____	9	____	____	____
BRADBURY	____	✓	____	____	____
BURNS	____	✓	____	____	____
EISBART	____	✓	____	____	____
GiaQUINTA	____	✓	____	____	____
HENRY	____	✓	____	____	____
REDD	____	✓	____	____	____
SCHMIDT	____	✓	____	____	____
STIER	____	✓	____	____	____
TALARICO	____	✓	____	____	____

DATE: 10-27-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the _____ day of _____, 19____ at the hour of _____ o'clock _____.M., E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____.M., E.S.T.

_____
WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

Ck #414

RECEIPT

No 1155

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 11/20 19 86

RECEIVED FROM Marc C. Cook $ 50.00

THE SUM OF Fifty 100 DOLLARS

ON ACCOUNT OF 1522 Inwood Court

Rezoning

DMG

AUTHORIZED SIGNATURE

Name and address of the preparer, attorney or agent:

Marc C. Cook Jr. (Name) 1522 Inwood Drive Fort Wayne, In. 46815 (Address & Zip Code) 424-4024 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE Office Building

I/We Marc C. Cook Jr.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R1 District to a/an B1A District the property described as follows:

SEE ATTACHED

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1520 - 1522 Inwood Drive

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Marc C. Cook Jr.	1522 Inwood Drive Fort Wayne, In.	Marc C. Cook Jr.

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Marc C. Cook Jr.	1522 Inwood Drive Fort Wayne, In. 46815	424-4024

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

SEE ATTACHED

Owners of Property

(Name)	(Address)	(Signature)
Marc C. Cook Jr.	1522 Inwood Drive Fort Wayne, In 46815	Marc C. Cook Jr.

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA
REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

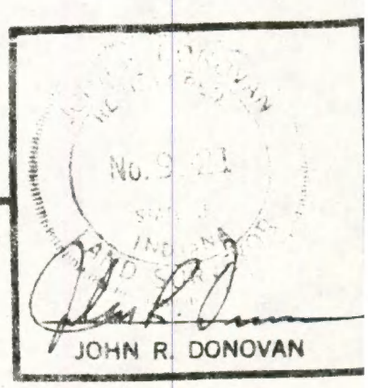
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder. ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: The North 150 feet of Lot Numbered 168 in Delta Heights Addition to the City of Fort Wayne, Indiana, together with a part of the West One-half of the West One-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of Lot #168 in Delta Heughts Addition to the City of Fort Wayne, Indiana; thence West along the South line of vacated Vermont Avenue, 99 feet; thence South and parallel with the East line of Lot #168 in Delta Heights Addition, 150 feet; thence West and parallel with the South line of vacated Vermont Avenue, 99 feet to a point on the East line of said Lot #168; thence North along the East line of said Lot #168, a distance of 150 feet to the place of beginning Also, the South 25 feet of vacated Vermont Avenue adjoining the above described parcel on the North.

JOB FOR: BROOKS

12-23-83



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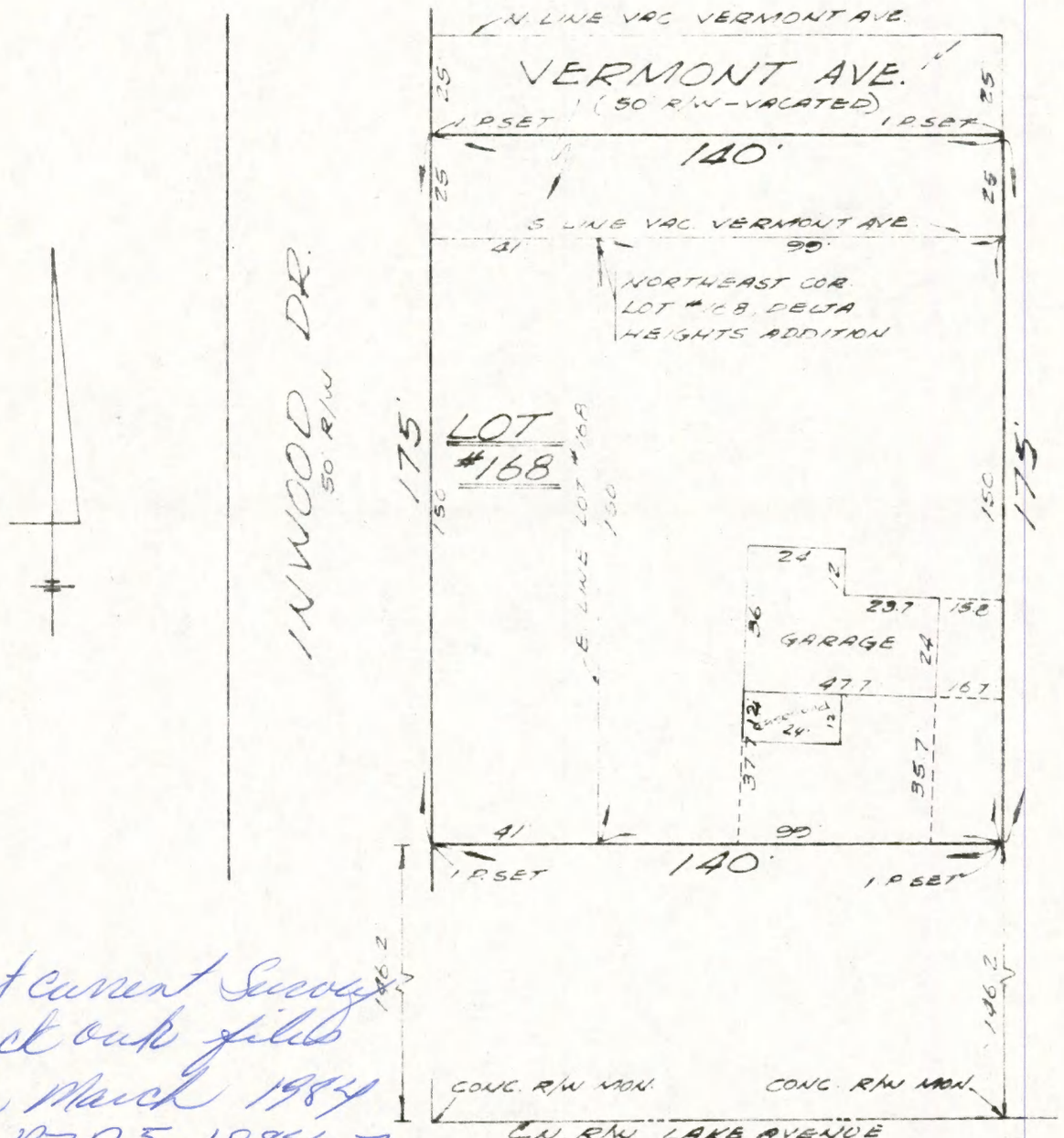
The description of the real estate is as follows, to wit: SEE ATTACHED SHEET!



Got Current Survey
Check out file
in March 1984
BZA 5-1984-Z

NOTE: According to the FIA Flood Hazard Boundary Maps, the above described real estate is not located in a flood hazard area.

JOB FOR: BROOKS

1" = 40
12-23-83

JOHN R. DONOVAN
No. 9921
STATE OF INDIANA
LAND SURVEYOR

JOHN R. DONOVAN

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 27, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-01-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 26, 1987.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 28, 1987.

Certified and signed this
14th day of October 1987.

Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1520 & 1522 Inwood Drive 3-87-01-23

EFFECT OF PASSAGE Property is presently zoned R-1 - Single Family Residential.
Property will become B-1-A - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

Z-87-01-23
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-1 to B-1-A

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

1520-1522 Inwood Drive

Reason for Project

Future office building construction.

Discussion (Including relationship to other Council actions)

27 January 1987 - Public Hearing

Minutes for meeting are attached.

2 February 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation with the following condition:

"A primary development plan must be submitted and approved within 6 months of this petition. Such development plan to meet all applicable requirements of the zoning ordinance, including landscape buffering."

Of the 7 members present 6 voted in favor of the motion, one (1) did not vote. Motion carried.

28 September 1987 - Business Meeting

The petitioner failed to meet the condition as specified by the Commission at the February 2, 1987 Business Meeting. The ordinance was returned to the Commission with a DO NOT PASS recommendation from

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Marc Cook City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

staff.

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the 9 members present 8 voted in favor of the motion, one (1) did not vote. Motion carried.

NOTE: The petitioner was notified of the reconsideration hearing but did not appear.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 20 November 1986

Projected Completion or Occupancy **Date** 14 October 1987

Fact Sheet Prepared by **Date** 14 October 1987

Patricia Biancaniello

Reviewed by **Date** 20 October 1987

Gary Bachs

Reference or Case Number

petition showing the other neighbors opinion being in support of his.

Mr. Dietel stated that the neighbors were at the meeting.

Steve Smith asked the property owners to raise there hands.

Mr. Cook stated that if the concern was traffic his development would not generate any more traffic than they already do. He stated that his type of business does not bring in a high volume of traffic.

John Shoaff questioned how many employees Mr. Cook has.

Mr. Cook stated they presently have 10 employees. He stated they do have people doubled up in offices and a new building would be more to accommodate the staff they have rather than adding to the staff.

Herman Friedrich questioned how Mr. Cook felt about the request being deferred.

Mr. Cook stated he did not understand the recommendation, he felt that the new request did not really have a great deal to do with his request.

Edith Kenna stated that the Commission can defer the request. She stated that the deferral does not necessarily mean that he would be turned down. She stated it simply means that other factors have come into play in the area and the Commission would like the opportunity to look at the whole area before making any decisions.

Mr. Cook stated that he would then request that the Commission defer his request until such time that they look at the whole area and gain the perspective they need for a decision on his request.

Motion was made by Bob Hutner, seconded by Edith Kenna to defer this request to the March Business Meeting, motion carried.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

a. Change of Zone #240
From R-1 to B-1-A
1520 & 1522 Inwood Drive

Marc Cook, owner and petitioner appeared before the Commission. Mr. Cook stated that he presently occupies the property with his insurance agency. He stated that they have outgrown their present structure and he wants to construct a new building on this property adjacent to the present building.

Edith Kenna questioned what was on the property now.

Mr. Cook stated that it was an insurance agency.

Edith Kenna questioned how it was allowed in an R-1.

Mr. Cook stated that he had a Use Variance granted in 1984.

John Shoaff questioned how Mr. Cook felt about the staff recommendation of deferral.

Mr. Cook stated that he spoke with staff an learned that there was another rezoning coming up on Inwood in February.

Edith Kenna questioned why the staff recommended deferral and what the conditions were regarding the granting of the Use Variance... Why was the Use Variance granted? What was the hardship?

Wayne O'Brien stated he did not pull the entire case other than to verify that there was a Use Variance granted in 1984. He stated that the recommendation for a deferral is based on information that a new petition has been filed for next month affecting a larger parcel of ground in the area. He stated that the staff felt the Plan Commission should have the opportunity of viewing the entire developing picture at one time.

Steve Smith questioned what the properties to the north of his were being used for...residential.

Mr. Cook stated that there are residences to the north of his property.

Mr. Steve Dietel, 1618 Inwood Drive appeared before the Commission in opposition. Mr. Dietel stated that he was speaking for all of the neighbors on Inwood Drive. He stated that they are opposed to the rezoning. He stated they felt this would lower property values and bring more traffic into the area. He stated that they already have a great deal of traffic due to the Wendy's in the area. He stated that the commercial properties are boxing in the residential in the area.

Steve Smith questioned if the neighborhood had a Neighborhood Assn.

Mr. Dietel stated they did not.

Steve Smith questioned if he (Mr. Dietel) had circulated a

BILL NO. Z-87-01-23

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. S-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~ Do Not Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY CHAIRPERSON	
	CHARLES B. REDD VICE CHAIRMAN	
	THOMAS C. HENRY	
	PAUL M. BURNS	
	BEN A. EISBART	

CONCURRED IN _____

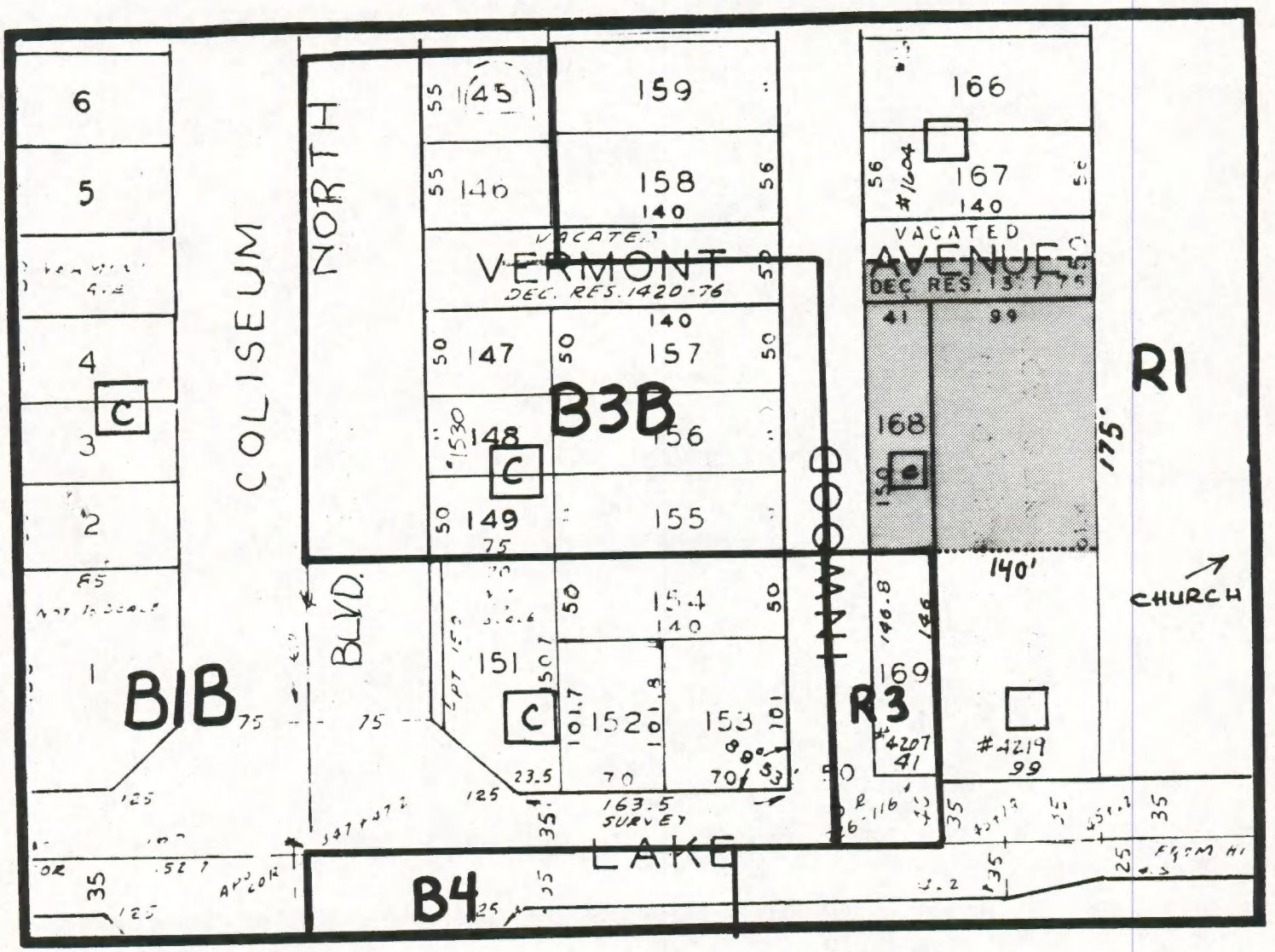
SANDRA E. KENNEDY
CITY CLERK

REZONING PETITION #240

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R-1 DISTRICT TO A BIA DISTRICT.

MAP NO. S-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

R1 RESIDENTIAL DISTRICT
B1B LIMITED BUSINESS 'B'
B3B GENERAL BUSINESS 'B'
B4 ROADSIDE BUSINESS

LAND USE:

☐ SINGLE FAMILY
Ⓒ COMMERCIAL

N

SCALE: 1" = 100'

DATE: 1-12-87